

CIRCUIT COURT FOR FREDERICK COUNTY
COURT HOUSE
FREDERICK, MARYLAND 21701

1 the Board.

2 Now, I come to a further problem and that is with Federal Street.
3 It is very obvious that there has been more ^{of a} use of Federal Street by
4 others than there was in that portion of North Alley that I have just
5 referred to.

6 I find as a fact that at least from the time of the purchase by the
7 school commissioners in 1839 that there was certainly a pathway in the
8 bed of Federal Street that people, youngsters, sometimes used. There was
9 also a space some period later on ^{separately} according to one witness where you
10 could take a horse and wagon in and go up to North Alley and turn west-
11 ward and use North Alley. And it would seem to me that it is perfectly
12 clear that the public generally did use that portion of Federal Street
13 to an undetermined but rather narrow width. Other than that, there is
14 nothing to show that there was an acceptance or even an attempted accept-
15 ance by the public generally of Federal Street at all up until such time
16 as the Town of New Market decided to pave a portion of it and up until
17 the time ^{that} the Metropolitan Commission put in the sanitary sewer in that
18 same area. That was an attempted acceptance. No one else objected and
19 I find clearly that the Town has accepted this offer of dedication which
20 I find remained open, at least without objection, for the paving along
21 that particular area.

22 I think that acceptance also would permit the Town to build or in-
23 stall paving in the full width of Federal Street as shown on the plat
24 with the exception of that portion that - where there is an encroachment
25 of the building. I think when property owners construct in a paper street